


David J. Bradley, Clerk

On October 21, 2019, Magistrate Judge Frances Stacy signed a Memorandum and Recommendation in this § 2254 proceeding, recommending that Respondent's Motion for Summary Judgment be GRANTED and Petitioner's Federal Application for Writ of Habeas Corpus be DISMISSED without prejudice to being re-filed if permission was obtained from the Fifth Circuit Court of Appeals for the filing of a second or successive § 2254 application. The Magistrate Judge ordered that the Memorandum and Recommendation be served on Petitioner, but it was returned as undeliverable. An employee of the Texas Department of Criminal Justice has since responded to an email inquiry, reporting that Plaintiff died on October 18, 2019, at the Hospital Galveston Unit. This federal habeas claim under § 2254 is therefore moot. See Knapp v. Baker,

509 F.2d 922 (5th Cir. 1975); Soffar v. Davis, 653 F. App'x 813 (5th Cir. 2016). Accordingly, this case is DISMISSED as moot.

The Clerk will enter this Order, providing a correct copy to all parties of record.

SIGNED at Houston, Texas, on this 22nd day of January, 2020.


EWING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE